

MATERIALS TO BE PROVIDED TO PARTIES IN CIVIL CASES REMOVED TO THE SOUTHERN DISTRICT OF IOWA

The Clerk of Court hereby provides the parties in this case with a copy of the following materials:

- 1.** A copy of this rule and Local Rules 7.1, 10.g, and 16A;
- 2.** The instructions for the scheduling order and discovery plan and worksheet;
- 3.** A scheduling order and discovery plan form;
- 4.** A disclosure statement form; and
- 5.** A “notice of public availability of case file information.”

LR 7.1 DISCLOSURE STATEMENT

- a. **Plaintiff's Disclosure Statement.** Within 21 days after a civil complaint is filed, each nongovernmental plaintiff that is not a natural person must file with the Clerk of Court a disclosure form containing the following:
 1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the plaintiff as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the plaintiff's outcome in the case; and
 2. With respect to each such entity, a description of its connection to or interest in the litigation.
- b. **Defendant's Disclosure Statement.** Within 30 days after service of a civil complaint on a nongovernmental defendant that is not a natural person, such defendant must file with the Clerk of Court a statement containing the following:
 1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the defendant as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the defendant's outcome in the case; and
 2. With respect to each such entity, a description of its connection to or interest in the litigation.
- c. **Disclosure Statement Forms.** The disclosure form is available on the courts' websites. The disclosure statement form is designed to enable the involved federal judges to evaluate possible bases for disqualification or recusal.
- d. **Conflicts List.** After entering an appearance in a pending civil case, the lawyers for the parties must determine promptly if a presiding judge has filed a conflicts list with the Clerk of Court by doing one of the following:
 1. Inspecting the conflicts information on the courts' websites; or
 2. Inquiring of the Clerk of Court of the district.
 3. If a conflicts list for the presiding judge has been filed with the Clerk of Court, the lawyer must review the list and notify the Clerk of Court immediately if it appears a presiding judge may have a conflict with any association, firm, partnership, corporation, or other artificial entity either related to any party or having a pecuniary interest in the case.

LR 10 FORM OF DOCUMENTS FILED WITH THE COURT; CITATIONS TO STATUTES; PERSONAL IDENTIFIERS

- a. **Size.** All documents filed with the court in paper form must be on 8.5 inch x 11 inch size paper. All electronic filings must be similarly formatted.
- b. **Form.** All documents filed with the court must be in the following form:
 - 1. Double spaced;
 - 2. Printed on only one side of the page; and
 - 3. Have a top margin of at least 1 inch on each page.
 - 4. A brief more than 10 pages in length must include, on the first page, a subject matter table of contents.

Documents more than 1 page in length must be numbered at the bottom of each page. Exhibits included in an appendix or attached to a pleading, motion, or brief must be imaged or reproduced in a clear, legible, and high-quality form.

- c. **Documents Filed in Paper Form.** To facilitate electronic imaging, a document filed non-electronically must be delivered to the Clerk of Court with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, or delivered to the Clerk of Court in an expandable file folder, except as follows:
 - 1. Transcripts may be bound.
 - 2. Copies of exhibits may be provided to the court in a notebook.
 - 3. If a motion, resistance, or reply, together with any supporting filings, totals more than 100 pages in length and is filed electronically, within 7 days after the document is filed, the filer must deliver to the Clerk of Court, for use by the presiding judge, a paper copy of the motion, resistance, or reply, together with any supporting filings, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference.
- d. **Captions.** Captions of filings must include the district and division in which the case is filed, the case number, the names of the litigants in the manner prescribed in Federal Rule of Civil Procedure 10(a), and a designation of the content, and must specify clearly the party filing the document.
- e. **Consolidated Cases.** If 2 or more cases have been consolidated, the caption on all filings in the cases must be in the name of the lead case, but also must include the case numbers of all other member cases. If 2 or more cases have been consolidated for pretrial purposes only, the caption on all filings in the cases must include the full captions of all member cases.
- f. **Return of Copies by Mail.** If a party requests that a copy of a document filed in paper form be returned by mail, the party must deliver to the Clerk of Court a self-addressed, stamped envelope, with proper postage, and large enough to accommodate the requested copy.
- g. **Personal Data Identifiers.** Unless otherwise permitted or required by law, a party filing a document containing personal data identifiers should, unless the document is filed under seal, modify or

partially redact the document to prevent disclosure of the identifiers. (*See* Fed. R. Civ. P. 5.2(a)). Personal data identifiers include the following:

1. Social Security numbers;
2. Dates of birth;
3. Names of minors (anyone under the age of 18);
4. Financial account numbers; and
5. Taxpayer identification numbers.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If an individual's date of birth is necessary, only the year should be used. If a minor must be mentioned, only that minor's initials should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

6. Other personal identifying numbers, such as driver's license numbers;
7. Information concerning medical treatment or diagnosis (which includes mental health and substance abuse information);
8. Employment history;
9. Personal financial information;
10. Proprietary or trade secret information;
11. Information concerning a person's cooperation with the government;
12. Information concerning crime victims;
13. Sensitive security information;
14. Home addresses;
15. Telephone numbers;
16. E-mail addresses.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made.

LR 16A FINAL PRETRIAL CONFERENCE

- a. **Representation at Final Pretrial Conference.** Each party not proceeding pro se must be represented at any final pretrial conference by a lawyer who will participate in the trial, is familiar with the facts of the case, and has full authority to act on behalf of the party. All pro se parties also must appear.
- b. **Final Pretrial Conference Procedure.** If a final pretrial conference is ordered in a civil case, the following procedures will apply. Before the final pretrial conference, any unrepresented parties and counsel for all represented parties must confer to prepare and sign a proposed final pretrial order in the form available on the courts' websites. If the plaintiff is represented, the plaintiff's counsel has the responsibility for initiating the conference to prepare the proposed final pretrial order, but if the plaintiff is proceeding pro se, the lawyer for the defendant must initiate the conference. All parties have a duty to ensure the proposed final pretrial order is prepared properly. The proposed final pretrial order must be submitted to the court at least 3 days before the date of the final pretrial conference. With prior permission from the federal judge holding the final pretrial conference, the conference may be conducted by telephone, but only when the parties have submitted to the court, at least 3 days before the date of the conference, the following: **(1)** a fully and properly completed proposed final pretrial order; and **(2)** a request for a telephonic final pretrial conference. When listing witnesses in the proposed final pretrial order, the parties should exercise caution about personal data identifiers. (*See* LR 10(g)).
- c. **Identification of Witnesses and Exhibits.** The pretrial disclosure of witnesses and exhibits required by Local Rule 83(e) and Federal Rule of Civil Procedure 26(a)(3)(A) must be served at least 21 days before the final pretrial conference. These disclosures should not be filed.
- d. **Pretrial Filings.** Trial briefs, proposed voir dire questions, statement of the case, and proposed jury instructions including a verdict form must be filed at least 3 days before the final pretrial conference.

U.S. DISTRICT COURTS FOR THE SOUTHERN DISTRICT OF IOWA

**INSTRUCTIONS AND WORKSHEET FOR PREPARATION OF
SCHEDULING ORDER AND DISCOVERY PLAN**

Effective May 1, 2017

**ORDER REQUIRING SUBMISSION OF SCHEDULING ORDER
AND DISCOVERY PLAN**

Please carefully review the Local Rules, revised as of May 1, 2017 for a more complete description of the District's requirements for pretrial case management (*available at www.iand.uscourts.gov or www.iasd.uscourts.gov*).

IT IS ORDERED THAT counsel for the parties shall confer, as required by Federal Rules of Civil Procedure 16 and 26 and Local Rules 16 and 26, and submit to the Clerk of Court on the attached form a stipulated proposed scheduling order and discovery plan. If counsel are not able to agree upon the deadlines required to complete the form or are requesting deadlines significantly beyond those suggested in the form, or if the case involves any special issues that require the early attention of the court, counsel should, in paragraph 11 of the form, request a Rule 16(b) and 26(f) scheduling and planning conference with the court.

/S/

U.S. MAGISTRATE JUDGE

Follow this worksheet at your Rule 16(b) and 26(f) conference. The deadlines referred to in the worksheet are suggested deadlines except for the dispositive motion deadline, which **MUST be at least 150 days before the trial ready date. File only the attached two-page proposed scheduling order and discovery plan. **DO NOT FILE THE WORKSHEET.****

1. INITIAL DISCLOSURES AND ELECTRONICALLY STORED INFORMATION:

State whether the parties (a) entered into an agreement at the Rule 26(f) conference resolving all issues relating to the Federal Rule of Civil Procedure 26(a)(1) initial disclosures in this action, and (b) discussed the preservation, disclosure, and discovery of electronically stored information.

_____ yes _____ no

If any party objected at the Rule 26(f) conference either to making the initial disclosures or to the timing of the initial disclosures, then **within 14 days after the scheduling order and discovery plan is filed**, the objecting party must serve and file a document in which the objections are set forth with particularity.

If the parties have entered into an agreement concerning the timing of the initial disclosures, state the date by which the initial disclosures will be made.

(insert date)

Unless a different deadline is set by agreement of the parties or court order, or unless a party objects to making the initial disclosures or to the timing of the initial disclosures, Local Rule 26.a requires that the initial disclosures be made **within 14 days after the Rule 26(f) conference**.

Federal Rule of Civil Procedure 26(a)(1) describes the information the parties must, without awaiting a discovery request, provide to other parties. Parties are required to comply fully with Rule 26(a)(1).

If the parties have any other disputes concerning initial disclosures or the preservation, disclosure, or discovery of electronically stored information, or are aware of any other issues relating to scheduling or planning that might benefit from the early intervention of the court, the parties may, in paragraph 11 of the proposed scheduling order and discovery plan, request a court-sponsored pretrial discovery and planning conference.

2. **ADDING PARTIES**: State the deadline for filing motions to add parties.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court**.

3. **AMENDING PLEADINGS**: State the deadline for filing motions to amend pleadings.

(insert date)

This deadline should be **no more than 2 months after the date the proposed scheduling order and discovery plan is submitted to the court**.

- Plaintiff's experts: - (insert date)
- Defendant's experts: - (insert date)
- Plaintiff's rebuttal experts: - (insert date)

5. **DISCOVERY:** State the date by which all discovery will be ***completed***, not propounded.

(insert date)

Federal Rule of Civil Procedure 26(e) imposes a continuing duty to supplement discovery responses as soon as practicable. **All discovery responses must be supplemented at least 30 days before the close of discovery.**

- (insert date)

WORKSHEET – DO NOT FILE – WORKSHEET

7. **TRIAL READY DATE:** State the date on which the parties anticipate the case will be ready for trial.

(insert date)

This deadline should be **no more than 13 months after the date the proposed scheduling order and discovery plan is submitted to the court**, but **must not be less than 150 days after the dispositive motion deadline**.

8. **JURY DEMAND:** State whether a jury demand has been filed.

_____ yes _____ no

9. **ESTIMATED LENGTH OF TRIAL:** State your estimate of the number of days required for trial. For jury trials, include in your estimate the time required for jury selection, opening statements, closing arguments and instructions. If circumstances change, the parties should immediately so notify the court. **In any event, the parties should notify the court of any change in the time required for trial and of their new estimated length of trial by at least 30 days before the trial readiness date in paragraph 7.**

(insert number of trial days)

10. **SETTLEMENT CONFERENCE:** Indicate one of the following two choices regarding a court-sponsored settlement conference:

_____ A court-sponsored settlement conference should be set by the court at this time for a date after:

(insert date)

_____ A court-sponsored settlement conference is not necessary at this time.

11. **SCHEDULING AND PLANNING CONFERENCE:** State whether the parties believe a court-sponsored scheduling and planning conference pursuant to Federal Rules of Civil Procedure 16(b) and 26(f) would be appropriate in this case.

_____ yes _____ no

12. **CONSENT TO MAGISTRATE JUDGE:** State whether the parties unanimously

consent, or do not unanimously consent, to trial, disposition, and judgment by a United States Magistrate Judge, with appeal to the Eighth Circuit Court of Appeals.

_____ yes, we unanimously consent _ _ no, we do not unanimously consent

You may consent in either a jury or non-jury case. Cases consented to the United States Magistrate Judge will be set for trial on a **date certain**.

13. **FILING OR DELIVERY OF FORM TO CLERK OF COURT:** Print or type the names, addresses, telephone and fax numbers, and e-mail addresses on the proposed scheduling order and discovery plan, sign the proposed order and plan, and electronically file the form in the court's electronic case filing system. **Be sure to include both pages of the proposed order and plan, and include the signature line for the magistrate judge.**

-		,)	
	Plaintiff(s),)	NO. _
)	
vs.)	
)	
-		,)	SCHE
	Defendant(s).)	D

Counsel have conferred and submit the following case information and proposed dates for case management:

- E-mail address:

Attorney for Third-Party Defendant\Other:

Address:

Telephone:

Facsimile:

E-mail address:

JUDGE'S REVISIONS

The deadline in Paragraph _____ is changed to _____ .

The deadline in Paragraph _____ is changed to _____ .

The deadline in Paragraph _____ is changed to _____ .

IT IS ORDERED that this proposed Scheduling Order and Discovery Plan
_____ **is** _____ **is not** approved and adopted by this court.

IT IS FURTHER ORDERED that a scheduling and planning conference:

_____ will not be scheduled at this time.

_____ will be held in the chambers of Judge _____ at the
U.S. Courthouse in _____, Iowa, on the _____ day
of _____, at _____ o'clock, _____ .m.

_____ will be held by telephone conference, initiated by the court, on the
_____ day of _____, at _____ o'clock, _____ .m.

DATED this _____ day of _____ .

MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

ORDER OF REFERENCE

IT IS HEREBY ORDERED that this case is referred to a U.S. Magistrate Judge for the conduct of all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and the consent of the parties.

DATED this _____ day of _____ .

UNITED STATES DISTRICT JUDGE

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE [NORTHERN][SOUTHERN] DISTRICT OF IOWA
@ DIVISION

@,

Plaintiff(s),

vs.

@,

Defendant(s).

No. @

DISCLOSURE STATEMENT

As required by LR 7.1 and LR 81.c and d, @, [plaintiff][defendant] in this case, provides the following information to the court:

(a) *The following are the names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the [plaintiff][defendant] as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the [plaintiff's][defendant's] outcome in the case:*

(b) *With respect to each entity named in response to (a), the following describes its connection to or interest in the litigation, or both:*

Date: _____

Name of lawyer
Name of lawyer's law firm
Lawyer's office address
Lawyer's telephone number
Lawyer's facsimile number
Lawyer's e-mail address
Contact person's e-mail address
Attorney for (plaintiff/defendant)

NOTICE OF PUBLIC AVAILABILITY OF CASE FILE INFORMATION

All documents filed with the court, unless sealed, will be available to the public, and may be accessible over the Internet. Therefore, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary.

If sensitive information must be included in a document, certain personal and identifying information should be redacted from the document, whether it is filed traditionally or electronically. This information includes the following: (1) Social Security numbers, (2) financial account numbers, (3) dates of birth, and (4) the names of minor children. Also, you should exercise caution when filing documents that contain the following: (1) other personal identifying numbers, such as driver's license numbers; (2) information concerning medical treatment or diagnosis; (3) employment history; (4) personal financial information; and (5) proprietary or trade secret information.

Counsel are strongly urged to share this notice with their clients so that informed decisions may be made concerning the redaction of sensitive information from documents that will be available to the public as part of a case file. It is the sole responsibility of counsel and the parties to ensure all filed documents comply with the rules of this court requiring redaction of personal data identifiers; the Clerk of Court will not review filings to determine whether appropriate redactions have been made.